

Response to EPA Major Comments – Nonpoint Source Pollution Control Strategy, June 24, 2013 draft

#	EPA Comment	DEC Response
1	You note that revisions to EPA's 319 grant guidance in 2013 <i>requests</i> that 50% of 319 funding be allocated toward directly addressing impaired waters under the guidance of a restoration plan. The guidance actually states: States <i>must use</i> at least 50% of the annual appropriation of § 319 funds (watershed project funds) to implement watershed projects guided by WBPs.... These guidelines further require that watershed project funds go toward restoring impaired waters through the implementation of WBPs or acceptable alternative plans. Activities necessary to implement WBPs or acceptable alternative plans for watersheds containing one or more impaired waters are considered restoration activities	NPS strategy language changed to say "requires" instead of "requests" <u>in order to mirror the guidance.</u> <u>However, Alaska questions the use of the term "requires" in guidance.</u> Alaska's unique size, development patterns and potential for impacts necessitate the need for a greater protection/monitoring balance.
2	You note that EPA's grant guidance provides for flexibility to use funds for protection provided the state strategy incorporates protection measures. Please include the process and the factors required in order to exercise this flexibility. Under EPA's 319 guidelines, EPA requires that watershed project funds go toward restoring impaired waters through the implementation of WBPs or acceptable alternative plans. However, where a state has an updated NPS management program that identifies protection of unimpaired/high quality waters as a priority and describes its process for identifying such waters, there is flexibility to use a limited amount of watershed project funds for activities to protect identified waters following consultation with EPA through § 319 grant work plan negotiations. The proportion of § 319 watershed project funds allocated to protecting unimpaired/high quality waters could vary depending on the relative priority of restoration and protection activities in the state's NPS management program and the array of projects ready for § 319 funding and implementation in that particular year. States may also use NPS program funds to protect unimpaired/high quality waters." (page 16 in the guidance). Using less than 50% of 319 funding towards restoration will need a 319 waiver.	The following language has been added: EPA's grant guidance provides for flexibility to use funds for protection where a state has an updated NPS management program that identifies protection of unimpaired/high quality waters as a priority and describes its process for identifying such waters. The alternative use of funding activities must also be negotiated with EPA as a part of the annual work plan process.
3	You need to discuss balancing restoration vs. protection priorities and the appropriate balance between statewide programs and on-the ground projects. You need to provide a better road map to getting toward implementation of projects on priority state waters.	Additional language added to Appendix A.results in Alaska's Non-Point Source Program needing to use our resources differently than national priority requirements. Alaska needs to place a high priority on data collection and protection activities while still making

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		<p>progress on known impairments.</p> <p>Alaska also needs to implement statewide programs or stewardship actions that are designed to protect a wide range of waters. Finally, fostering and maintaining partnerships is a key element in tackling the non-point source problems.</p> <p>The list of activities and programs noted below strike an appropriate balance. DEC's stewardship activities are:...</p>
4	We support Alaska's focus on targeted monitoring to evaluate waters in developing areas. Note that using 319 funding for monitoring waters to determine impairment may need a 319 waiver.	Monitoring activities included in NPS Strategy. The waiver is discussed in DEC response to EPA's May 2013 letter.
5	You need to include how success will be measured for watershed protection (Number of miles of high-quality waters protected? Long-term protection of X acres in priority watersheds by 20XX? No waterbodies or reaches in high quality watersheds will be moved to the nonattainment lists due to NPS causes or pollution? Specific load reduction or maintenance goals (X lbs. of P per year) in protection oriented plans covering high value waters? Number or percentage of watersheds that hit their protection oriented goals each year? Improve trends in water quality of waterbodies that are threatened but not yet impaired so that the waterbodies remain off the nonattainment list? Number and type of BMPs implemented at critical source areas (demonstrating effective targeting)? Stable or improving water quality/trophic status in lakes? Stable or improving water quality (biocriteria, DO, bacteria) in streams? Green infrastructure installed within watersheds e.g., track the number of projects or square footage converted to green infrastructure?).	Measures added to Appendix A
6	Where are goals, objectives and strategies for groundwater included?	The ACWA process factors in impacts to groundwater. The strategy has been revised.

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7	Describing how resources will be allocated between (a) abating known water quality impairments from NPS pollution and (b) protecting threatened high quality waters from significant threats caused by present and future NPS impacts is a key component for obtaining flexibility to use more resources for protection. You need to be more specific AK's approach for setting priorities and aligning resources between the twin demands of remedying waters that the state has identified as impaired by NPS pollution and preventing new water quality problems from present and reasonably foreseeable future. See page 55-56 of the 319 guidance. You describe the TMDL and NPDES programs instead of explaining the decision making process for resource distribution between restoration and protection. This is where the ACWA process would be included, as well as the annual PPA/PPG process, decisions on staffing and contract funding etc.	The annual PPG process provides more detail on resource allocation. Some additional language added to strategy (see pages 11 & 12). The discussion of APDES program has been deleted.
8	Milestones should provide a measurement in which AK's NPS program can be evaluated. We noticed that the milestones tended to be worded vaguely using words such as "enhance, support, work with" with "ongoing" under timeframe for a majority of the milestones rather than specific dates. You need to be as specific as possible for the milestones and include dates for these specific commitments.	Appropriate milestones changed for reporting items. On-going refers to activities that do not have a specific target date because the activity needs to continue indefinitely.
9	You did a great job in describing the identification of waters, as well as describing several programs and including commitments under "Identification of priority waters for protection and actions." May be helpful to provide factors used in selecting high priority watersheds for protection (see page 17 on FY14 NPS and 319 Grant Guidelines for factors that can be used). Need to include other federal, state, local agency and partner programs (such as wild rivers programs, LID, NRCS, Nature Conservancy, land trusts) and their role in watershed protection or incorporate these agencies and organizations into your list provided in Appendix D and add information on their role with respect to watershed protection (you already noted roles with respect to NPS).	Factors are a repeat of what is in the ACWA program. I am We are trying not to just repeat what is available elsewhere.
10	Thank you for posting Alaska's priority waters and the track (protection, restoration, monitoring) on DEC's website at http://dec.alaska.gov/water/acwa/pdfs/High_Priority_Waters_Region_2013.pdf . Is this list covering 2014-2018 or does just a subset of that list cover this timeframe? Also you should include a schedule for prioritizing state waters for development of watershed-based plans or equivalent process.	No, this is the list of all high priority waters as ranked by Alaska resource agencies. The subset that is provided in Appendix A of the NPS strategy describes the waters and actions DEC is committing to work on during the next five years.